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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,480	03/12/2001	Michael P. Maher	AUROBIO.026DV1	1223

20995 7590 02/24/2004

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EXAMINER

MURPHY, JOSEPH F

ART UNIT PAPER NUMBER

1646

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a method of characterizing the biological activity of a candidate compound by monitoring changes in transmembrane potential, classified in class 435, subclass 7.2.
- II. Claims 9-13, drawn to a method for modulating the voltage dependent state of an ion channel by modulating the transmembrane potential with a varying wave pulse, classified in class 435, subclass 173.4.
- III. Claims 14-24, drawn to a method for assaying a compound for voltage dependent blocking activity, classified in class 435, subclass 173.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-III are independent and distinct, each from the other, because the methods are practiced with materially different starting materials, have materially different process steps, and are for materially different purposes. Group I is directed to a method of characterizing the biological activity of a candidate compound by monitoring changes in transmembrane potential, which requires the use of a compound, whereas the method of Group II does not require the use of a compound, because the method of Group II is drawn to modulating the voltage dependent state of an ion channel by varying the electric field. The method of Group III is distinct from the other methods because the measurement is of the voltage dependent state of the target ion channel, whereas in the method of Group I, the measurement is of membrane potential. Group II requires the use of a compound, whereas in Group II, no compound is used.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

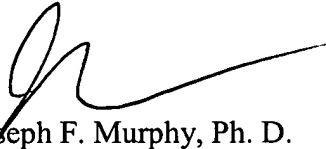
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Murphy whose telephone number is 703-305-7245. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 703-308-6564. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.



Joseph F. Murphy, Ph. D.
Patent Examiner
Art Unit 1646
February 19, 2004